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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re application of:

Applicants Leonard D. Kohn, *et al.* : Reference: 103287/502168

Serial No. 09/151,612 : Group Art Unit: 1633

Filed: September 11, 1998 : Examiner: Q. Nguyen

#29

For: IMMUNE ACTIVATION BY DOUBLE-STRANDED
POLYNUCLEOTIDES

AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT

Box Amendment Fee

The Assistant Commissioner For Patents
Washington, D.C. 20231

Dear Sir:

Remarks

Claims 1, 2, 4-18, 21-26, 29-60, 62, 67-78, and 80-91 remain in the present application.

In response to the Office Action dated May 20, 2003, setting forth an election of species requirement under 35 U.S.C. § 121, Applicants elected **Group I** with traverse.

The Examiner has now pointed out that an election of species regarding Group I, Claim 83 was inadvertently omitted as required in Paper No. 23, page 9. Applicants are now directed to select the proper species as required by the Examiner. Applicants apologize for this error and any inconvenience it may have caused.

In electing Group I, Claim 83, Applicants now elect a protein as the species of antigen in selecting between (a) a protein; (b) a peptide; (c) an mRNA encoding an antigen; and (d) a DNA encoding an antigen.

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It is Applicants' understanding that if the above-elected species is found patentable, the Examiner will search the entire breadth of the present invention as defined in the application.

Applicants' undersigned attorney has made a good faith effort to be responsive to the restriction requirement made in the Office Action dated May 20, 2003. If the Examiner would like to discuss the restriction requirement or to have applicants provide any clarification of its terms, he is invited to contact Applicant's undersigned attorney at the phone number given below.

The Assistant Commissioner for Patents is authorized to charge any deficiency to Frost Brown Todd LLC Deposit Account No. 06-2226.

Respectfully submitted,

Kohn, *et al.*



By _____

Stephen R. Albainy-Jenei
Registration No. 41,487
Attorney for Applicant(s)
FROST BROWN TODD LLC
2200 PNC Center
201 East Fifth Street
Cincinnati, Ohio 45202
salbainyjenei@fbtlaw.com
(513) 651-6839

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below:

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Joyce O. Fields

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6-2-03

Date

FAX Telephone No.: (703) 746-5312

Attn: Quang Nguyen

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